

MAR-3-2006 03:58P FROM:Law Offices 513-770-0267

TO:4217902

P:1/4

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February 27, 2006

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Kimberly Rutowski, Esq.
Hardin, Lefton, Lazarus & Marks, LLC
915 Cincinnati Club Building
30 Garfield Place
Cincinnati, OH 45202

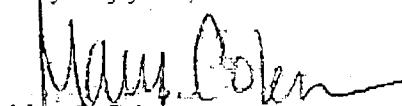
Re: Roger D. Owensby, Jr. vs. City of Cincinnati, et al.
Our File No. 11128-32089

Counselors.

Enclosed please find a copy of the subpoenas to Hamilton County Child Support Enforcement and the Department of the Army in this matter.

If you have any questions, please feel free to contact the undersigned.

Very truly yours,



Mary E. Coleman
Paralegal

Encl.

cc: Richard Ganulin
Sonya Walker
Margaret Huncke
Brian Hurley
Robert Gehring

276025

OF COUNSEL
ANDY DOUGLAS
MARK E. KTRNS
BRIAN R. McGRAW

GOLDMAN & BRAUNSTEIN, LLP
William A. Goldman
Michael Braunstein

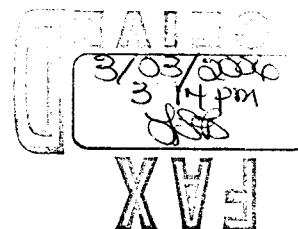
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David A. Kopech
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FAX 740.689.1746

URBANA OFFICE
118 SCIO ST.
URBANA, OHIO 43078
TELEPHONE 937.652.4000



MAR-3-2006 03:59P FROM:Law Offices 513-770-0267

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February 27, 2006

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FAX 740.689.1746

URBANA OFFICE:
115 SCIO STREETS
URBANA, OHIO 43078
TELEPHONE: 937.652.4000

3/03/2006
3:4 pm
SSB

Hamilton County Job & Family Services
Child Support Services
222 East Central Parkway
Cincinnati, Ohio 45202-1225

Re: *The Estate of Roger Owensby, Jr. v. City of Cincinnati, et al.*
U.S.D.C., Southern Ohio -- Case No. 1:01-CV-00769
Our File No. 11128-32089

Dear Sir or Madam:

Enclosed herewith please find a subpoena relative to the above-captioned matter scheduling a records deposition regarding Roger D. Owensby, Jr. on March 15, 2006, at 10 a.m. at our Cincinnati Office, located at 30 Garfield Place, Suite 740, Cincinnati, Ohio 45202. The purpose of this subpoena is to obtain a complete copy of any and all documents, including court orders, wage withholding and payment history of child support payments made on behalf of Myiesha L. Todd-Owensby (Date of Birth 8/20/91) by Roger D. Owensby, Jr., (574-76-9267, Date of Birth 3/27/71). Please see that I am provided all records that you maintain with respect to this individual at your earliest convenience.

To avoid appearing in person at our offices, you may forward the requested documents to my attention prior to the deposition date. Once the documentation is received, the deposition will be cancelled, and your appearance is no longer necessary. If you have any questions, please contact me at the direct dial phone number listed above. Thank you in advance for your anticipated cooperation in this matter.

Very truly yours,

Larry H. James

LHJ/jh
Encl.
2/29/06

MAR-3-2006 04:01P FROM:Law Offices 513-770-0267

TO: 4217902

P:1/3

SA088 (Rev. 1/94) Subpoena in a Civil Case

Issued by the
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO

THE ESTATE OF ROGER OWENSBY, JR.

SUBPOENA IN A CIVIL CASE

V.

CITY OF CINCINNATI, ET AL

Case Number:¹ 1:01-CV-00769

TO: HAMILTON CO JOB & FAMILY SERVICES
CHILD SUPPORT SERVICES
222 EAST CENTRAL PARKWAY
CINCINNATI, OH 45202-1225

- YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

- YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME

- YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

ANY DOCUMENTS, INCLUDING COURT ORDERS, WAIVER WITHHOLDING AND PAYMENT HISTORY OF CHILD SUPPORT PAYMENTS MADE ON BEHALF OF MYLESHA L. TODD-OWENSBY (DOB 8/20/91) BY ROGER D. OWENSBY, JR. (514-76-9267, DOB 3/27/71)

PLACE:	DATE AND TIME:
CRABBE BROWN & JAMES, 30 GARFIELD PLACE, STE #740, CINCINNATI OH 45202	MARCH 15, 2006 - 10:00 A M
<input type="checkbox"/> YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.	DATE AND TIME

PREMISES

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)	DATE
	FEBRUARY 24, 2006

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER
LARRY H. JAMES (0021773), CRABBE, BROWN & JAMES, 500 S. FRONT ST. #1200, COLUMBUS, OH 43215

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on next page.)

¹ If action is pending in district other than district of issuance, state district under case number

MAR-3-2006 04:01P FROM: Law Offices 513-770-0267

TO: 4217902

P:2/3

AQ88 (Rev. 1/94) Subpoena in Civil Case

PROOF OF SERVICE

DATE

PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45. Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance,
(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c) (3) (B) (iii) of this rule, such a person may in order to attend

trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

MAR-3-2006 04:02P FROM:Law Offices 513-770-0267

TO:4217902

P:3/3

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WRITERS DIRECT DIAL NUMBER

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February 27, 2006

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William A. Goldman
Michael Braunstein*

KOPECH & O'GRADY, LLC
David A. Kopach
Michael P. O'Grady

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TELEPHONE 513.784.1525
FAX 513.784.1250

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CLEVELAND, OHIO 44113
TELEPHONE 216.574.2516

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111 S. BROAD STREET, SUITE 209
LANCASTER, OHIO 43140
TELEPHONE 740.689.1743
FAX 740.689.1746

URBANA OFFICE
118 SCOTO STREET
URBANA, OHIO 43078
TELEPHONE 937.652.4000

J. RUTH CRABBE (1906-1989)
CHARLES E. BROWN (1927-2004)

VINCENT J. LODICO
STEVEN B. AYERS
JEFREY M. BROWN
LARRY H. JAMES
JOHN P. KENNEDY
BRIAN F. HURLEY
RICHARD D. WETZEL, JR.
CLIFF M. AL CALDI
JOHN C. ALBERI
GEORGE R. MCCUTCHEON, III
MICHAEL R. HENRY
ROBERT C. BUCHBINDER
STEVEN A. DAVIS
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EILEEN R. BOWER

* Also Admitted in Indiana
* Also Admitted in Kentucky
* Also Admitted in Michigan & Georgia
* Also Admitted in California & Louisiana

Department of the Army Freedom of
Information and Privacy Office
7701 Telegraph Road, Suite 144
Alexandria, Virginia 22315-3905

Re: *The Estate of Roger Owensby, Jr. v. City of Cincinnati, et al.*
U.S.D.C., Southern Ohio — Case No. 1:01-CV-00769
Our File No. 11128-32089

Dear Sir or Madam:

Enclosed herewith please find a subpoena relative to the above-captioned matter scheduling a records deposition regarding Roger D. Owensby, Jr. on March 15, 2006, at 10 a.m. at our Cincinnati Office, located at 30 Garfield Place, Suite 740, Cincinnati, Ohio 45202. The purpose of this subpoena is to obtain a complete copy of any and all documents, including service by Roger D. Owensby, Jr., (574-76-9267, Date of Birth 3/27/71). Please see that I am provided all records that you maintain with respect to this individual at your earliest convenience.

To avoid appearing in person at our offices, you may forward the requested documents to my attention prior to the deposition date. Once the documentation is received, the deposition will be cancelled, and your appearance is no longer necessary. If you have any questions, please contact me at the direct dial phone number listed above. Thank you in advance for your anticipated cooperation in this matter.

Very truly yours,

Larry H. James

LHJ/jh
Encl.
2739128

MAR-3-2006 03:59P FROM:Law Offices 513-770-0267

TO:4217902

P:2/4

SAF088 (Rev. 1/94) Subpoena in a Civil Case

**Issued by the
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO**

THE ESTATE OF ROGER OWENSBY, JR

SUBPOENA IN A CIVIL CASE

V.

CITY OF CINCINNATI, ET AL.

Case Number:¹ 1:01 CV 00769

TO: DEPT. OF THE ARMY FREEDOM OF INFORMATION &
PRIVACY OFFICE
7701 TELEGRAPH ROAD - STE #144
ALEXANDRIA, VA 22315-3905

YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
	DATE AND TIME

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

ANY AND ALL DOCUMENTS RELATING TO SERVICE BY ROGER D. OWENSBY, JR (574 76 9267, DOB 3/27/71)

PLACE	DATE AND TIME
CRABBE BROWN & JAMES, 30 GARFIELD PLACE, STE #740, CINCINNATI OH 45202	MARCH 15, 2006 - 10:00 A.M.
<input type="checkbox"/> YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.	
PREMISES	DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INCLUDE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)	DATE
	FEBRUARY 24, 2006

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER
LARRY H. JAMES (0021773), CRABBE, BROWN & JAMES, 500 S. FRONT ST. #1200, COLUMBUS, OH 43215

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on next page.)

¹ If action is pending in district other than district of issuance, state district under case number.

MAR-3-2006 03:59P FROM:Law Offices 513-770-0267

TO: 4217902

P:3/4

AO88 (Rev. 1/94) Subpoena in a Civil CasePROOF OF SERVICE

DATE

PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to comply shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;
 (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c) (3) (B) (iii) of this rule, such a person may in order to attend

trial be commanded to travel from any such place within the state in which the trial is held; or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies; or
 (iv) subjects a person to undue burden.

(D) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information; or
 (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party; or
 (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena; or, if the party in whom the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(E) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

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